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PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT
(PCT Rule 72.2)

To:

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Date of mailing (<i>day/month/year</i>) 24 March 2005 (24.03.2005)	
Applicant's or agent's file reference 2002-0703 P	IMPORTANT NOTIFICATION
International application No. PCT/EP2003/008056	International filing date (<i>day/month/year</i>) 23 July 2003 (23.07.2003)
Applicant OCE PRINTING SYSTEMS GMBH et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

None

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

EP, JP, US

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.+41 22 740 14 35	Authorized officer Agnes Wittmann-Regis Facsimile No.+41 22 338 89 70
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Translation

PATENT COOPERATION TREATY

PCT/EP2003/008056



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002-0703 P	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/008056	International filing date (day/month/year) 23 July 2003 (23.07.2003)	Priority date (day/month/year) 24 July 2002 (24.07.2002)
International Patent Classification (IPC) or national classification and IPC G03G 15/08		
Applicant OCE PRINTING SYSTEMS GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>8</u> sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 22 January 2004 (22.01.2004)	Date of completion of this report 27 July 2004 (27.07.2004)
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/008056

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

☐ the international application as originally filed.

☒ the description, pages 1-4, 6-28, as originally filed,
pages _____, filed with the demand,
pages 5, 5a, filed with the letter of 28 June 2004 (28.06.2004),
pages _____, filed with the letter of _____.

☒ the claims, Nos. _____, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. 1-26, filed with the letter of 28 June 2004 (28.06.2004),
Nos. _____, filed with the letter of _____.

☒ the drawings, sheets/fig 1/13-13/13, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/08056

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-26	YES
	Claims		NO
Inventive step (IS)	Claims	1-26	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-26	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: US-A-6 404 997, 11 July 2002 (2002-07-11)

D2: JP-A-3 045 973, 27 February 1991 (1991-02-27).

2. **D1** is considered to be the closest prior art for the subject matter of claims 1 and 18. D1 discloses a method for adjusting the toner concentration of a mixture of toner particles and carrier particles in a developer station of an electrophotographic printer or copier and said developer station, wherein the toner concentration is calculated at the dispense location (development roll 162, figure 2) from the toner concentration (virtual sensor 101) and a time delay 161 (column 7, lines 30 to 33, and figure 2).

The subject matter of claims 1 and 18 differs therefore from the known method and related device in that the toner concentration is calculated at the toner dispense location (C) from the toner concentration measured at the installation site (B) of the sensor 42 and the toner consumption value 68.

The subject matter of claims 1 and 18 is therefore novel (PCT Article 33(2)).

3. The problem addressed by the present invention can be considered that of determining and adjusting the toner concentration at the dispense location (C) from the toner concentration measured at the sensor installation site (B).

The solution to this problem as proposed in claims 1 and 18 of the present application involves an inventive step (PCT Article 33(3)) for the following reasons:

The determination of the toner concentration at the dispense location (C) from the toner concentration measured at the sensor installation site (B) and the toner consumption value and the use of the calculated toner concentration at the dispense location (C) as a controlled variable for the control unit (74) for adjusting the toner concentration are neither disclosed nor suggested in D1 or D2.

4. Claims 2-17 and 19-26 are dependent on claims 1 and 18, respectively, and therefore likewise meet the PCT requirements for novelty and inventive step.
5. The subject matter of claims 1-26 of the present application is industrially applicable in the field of electrographic imaging.

Additional observations

In regard to the national phase before the European Patent Office, it is noted that the reference JP 03 045 973 is now mentioned twice in line 21 on the amended sheet 5 of 28 June 2004.